

**Overview of the Laws Administered
 by the
 Wisconsin Equal Rights Division**

By the Civil Rights Bureau	By the Labor Standards Bureau
<ol style="list-style-type: none"> 1. Fair Employment 2. Open Housing 3. Public Accommodations & Amusements 4. Family & Medical Leave 5. Post Secondary Education 6. Retaliation Protections <ol style="list-style-type: none"> a. Public Employee Health & Safety b. Employee Right to Know c. Elderly Abuse d. Health Care Workers e. Whistleblower Law for State Employees 	<ol style="list-style-type: none"> 7. Prevailing Wage Rates <ol style="list-style-type: none"> a. Local Government Public Projects b. State Building Public Projects c. State Highway Projects 8. Hours of Work & Overtime 9. Records Open to Employee 10. One Day of Rest in Seven 11. Street Trades 12. Child Labor 13. Minimum Wage 14. Private Employment Agencies 15. Wage Payment & Collection 16. Business Closing & Mass Layoff 17. Cessation of Health Care Benefits

Civil Rights Bureau

- 1. Fair Employment** (Sections 111.31 - 111.395, Wisconsin Statutes, Chapter DWD 218 Wisconsin Administrative Code)
 Prohibits discrimination based on race, creed, color, national origin, ancestry, age, sex, handicap, arrest or conviction record, sexual orientation, marital status, and military status. It prohibits unfair honesty testing and genetic testing. It also prohibits discrimination because of filing or assisting with a Labor Standards complaint or because of use or non-use of lawful products.
 (Enforced by complaint filed with the Equal Rights Division within 300 days)
- 2. Open Housing** (Sections 106.50, Wisconsin Statutes, Chapter DWD 220 Wisconsin Administrative Code)
 Prohibits housing discrimination based on race, color, religion, national origin, ancestry, sex, age-18 and over, disability, lawful source of income, marital status, sexual orientation, and family status.
 (Enforcement is by filling a complaint with the Equal Rights Division within 1 year or through circuit court.)
- 3. Public Accommodations & Amusements** (Section 106.52, Wisconsin Statutes, Chapter DWD 221 Wisconsin Administrative Code)
 Prohibits discrimination in public places, based on race, color, creed, national origin, ancestry, sex, physical condition, developmental disability, or sexual orientation.
 (Enforcement is by filling a complaint with the Equal Rights Division within 300 days, also through circuit court.)

4. Family & Medical Leave (Section 103.10, Wisconsin Statutes, Chapter DWD 225 Wisconsin Administrative Code)

For employers of 50 or more, requires that:

An employee of either sex is allowed up to six (6) weeks of leave in a twelve-month period for the birth or adoption of a child.

An employee be allowed up to two (2) weeks of leave in a twelve-month period for the care of a child, spouse or parent with a serious health condition.

An employee be allowed up to two (2) weeks of leave in a twelve-month period for the employee's own serious health condition.

(Enforced by complaint filed with the Equal Rights Division within 30 days)

5. Post Secondary Education (Section 106.56, Wisconsin Statutes)

The law prohibits discrimination because of physical condition or developmental disability in post-secondary education.

(Enforced by complaint filed with the Equal Rights Division within 300 days)

6. Retaliation Protections

a. Public Employee Health & Safety (Section 101.055(8), Wisconsin Statutes)

If a public employee reports an actual or potential hazard to the State Safety and Buildings Division and is then retaliated against by the employer.

(Enforced by complaint filed with the Equal Rights Division within 30 days)

If a public employee reasonably refuses to perform a task, which represents a danger of serious injury or death or exercises any other right related to occupational safety and health and then is retaliated against by the employer.

(Enforced by complaint filed with the Equal Rights Division within 30 days)

b. Employee Right to Know (Section 101.595(2), Wisconsin Statutes)

States that employees have a right to know what toxic substances might be encountered on the job.

Also prohibits retaliation against an employee for exercising any rights under s. 101.58-101.599.

(Enforced by complaint filed with the Equal Rights Division within 30 days)

c. Elderly Abuse Retaliation (Chapters 46.90; 16.009 and 50.07)

The law prohibits retaliation against any employee for reporting the abuse of an elderly person to a state or county agency.

(Enforced by complaint filed with the Equal Rights Division within 300 days)

d. Health Care Worker Retaliation (Section 146.997, Wisconsin Statutes)

The law prohibits retaliation against any health care worker for reporting violations of laws, rules or quality of care standards.

(Enforced by complaint filed with the Equal Rights Division within 300 days)

e. Whistleblower Law for State Employees (Section 230.80 – 230.89 Wisconsin Statutes)

The law prohibits retaliation against certain state employees who disclose information about violations of laws, rules mismanagement, or abuse of authority.

(Enforced by complaint filed with the Equal Rights Division within 60 days)

Labor Standards Bureau

7. Prevailing Wage Rates (Chapter DWD 290 Wisconsin Administrative Code)

a. Prevailing Wage Rates and Hours of Labor for Local Government Unit Public Works Projects (Section 66.293, Wisconsin Statutes)

Requires the department to determine the prevailing wage rates for all types of local public works projects and requires the department to investigate any alleged violation of such wage rates and hours of labor.

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years.)

b. Prevailing Wage Rates and Hours of Labor for State Building Public Works Projects (Section 103.49, Wisconsin Statutes)

Requires the department to determine the prevailing wage rates for all types of state public works construction projects, except highways and bridges, and requires the department to investigate any alleged violations of such wage rates and hours of labor

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years.)

c. Prevailing Wage Rates and Hours of Labor for State Highway Projects (Section 103.50, Wisconsin Statutes)

The law requires the department to determine the prevailing wage rates for all state contracted highway construction projects. The Department of Transportation is responsible for enforcement.

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years.)

8. Hours of Work and Overtime (Sections 103.01-03, Wisconsin Statutes, Chapter DWD 274 Wisconsin Administrative Code)

Requires payment of time and one-half the regular rate of pay for hours worked in excess of forty in a given week, and provides certain exemptions.

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years, also through circuit court.)

9. Records Open To Employee (Section 103.13, Wisconsin Statutes)

The Law provides employees or former employees the right to inspect their own personnel records.

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years.)

10. One Day of Rest in Seven (Section 103.85, Wisconsin Statutes, Chapter DWD 275 Wisconsin Administrative Code)

The law requires employers in factories or mercantile establishments to provide at least one period consisting of twenty-four consecutive hours of rest in each calendar week. Allows the issuance of waivers or modifications (to employers) when jointly requested by labor and management.

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years, also through circuit court.)

11. Street Trades (Sections 103.21-32, Wisconsin Statutes, Chapter DWD 271 Wisconsin Administrative Code)

Establishes maximum daily and weekly hours, and sets time of day restrictions for minors (those under 18 years of age) engaging in street trades (delivery, distribution or selling items door to door). Also provides for enforcement action.

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years, also through circuit court.)

12. Child Labor (Sections 103.64-82, Wisconsin Statutes, Chapter DWD 270 Wisconsin Administrative Code)

Establishes maximum daily and weekly hours, sets time of day restrictions for the employment of minors, and explains employment prohibitions (by type of employment) for minors 11 through 17 years of age. Also provides for enforcement action.

(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years, also through circuit court.)

- 13. Minimum Wage** (Sections 104.01-12, Wisconsin Statutes, Chapter DWD 272 Wisconsin Administrative Code)
Sets minimum wage rates, provides for special minimum wage licenses for rehabilitation facilities and for workers with disabilities and student learners, and defines what comprises "hours worked."
(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years, also through circuit court.)
- 14. Private Employment Agents** (Sections 105.01-16, Wisconsin Statutes, Chapter DWD 277 Wisconsin Administrative Code)
Provides rules for the licensing of private employment agents (those that require applicant-paid fees), and for the registration of employer-paid fee agent. Section Authorizes enforcement action.
(Enforcement is by filling a complaint, with the Equal Rights Division within 2 years, also through circuit court.)
- 15. Wage Payment and Collection** (Sections 109.01-11, Wisconsin Statutes)
Requires the department to process individual wage claims from employees who have not received earned wages, and establishes when employees must be paid.
(Enforcement is by filling a complaint, with the Equal Rights Division within 300 days.)
- 16. Business Closing & Mass Layoff** (Section 109.07, Wisconsin Statutes, Chapter DWD 279 Wisconsin Administrative Code)
For employers of 50 or more requires sixty days advance written notification of a business closing or mass layoff. Notices must be provided to the department, affected employees, the union and the highest official of the municipality in which the business is located.
(Enforcement is by filling a complaint, with the Equal Rights Division within 300 days.)
- 17. Cessation of Health Care Benefits** (Section 109.075, Wisconsin Statutes)
For employers of 50 or more requires sixty days advance written notification when an employer decides to terminate a health care benefit plan. Notices must be provided to the employees, retirees, and their dependents. The law does not require notification to employees who quit or who are terminated, nor does it require notification when an employer makes changes to an existing plan.
(Enforcement is by filling a complaint, with the Equal Rights Division within 300 days.)

For more information regarding these laws, contact:

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